

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

SIERRA CLUB and
ENVIRONMENTAL
CONFEDERATION OF
SOUTHWEST FLORIDA,

Plaintiffs,

v.

Case No: 2:20-cv-13-SPC-NPM

U.S. FISH AND WILDLIFE
SERVICE, AURELIA
SKIPWORTH, FLORIDA
DEPARTMENT OF
TRANSPORTATION, KEVIN
J. THIBAULT, U.S. ARMY
CORP OF ENGINEERS, and
TODD T. SEMONITE,

Defendants.

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ORDER TO SHOW CAUSE¹

Before the Court is a *sua sponte* review of the case. All Defendants appeared and answered except one: Kevin Thibault (Secretary of the Florida Department of Transportation (“FDOT”)). Plaintiff sues Thibault “in his official capacity only.” ([Doc. 65 at 7](#)). Of course, suit against Thibault in his

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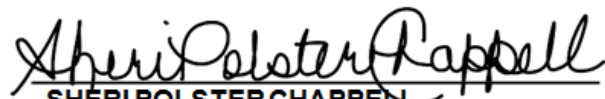
official capacity is suit against FDOT itself. See, e.g., *McMillian v. Monroe Cnty., Ala.*, 520 U.S. 781, 785 n.5 (1997). Nevertheless, Thibault is a named Defendant who hasn't appeared. While FDOT answered (Doc. 71), it is unclear whether that pleading applies to Thibault or if FDOT's lawyers represent him. So Thibault must show cause why he has not appeared.

Accordingly, it is now

ORDERED:

Defendant Kevin Thibault must **SHOW CAUSE**, in writing **on or before August 4, 2021**, why he has not appeared.

DONE and **ORDERED** in Fort Myers, Florida on July 29, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record